

No. PD-1034-20

TO THE COURT OF CRIMINAL APPEALS  
OF THE STATE OF TEXAS

FILED  
COURT OF CRIMINAL APPEALS  
8/13/2021  
DEANA WILLIAMSON, CLERK

TERRY MARTIN,

Appellant

v.

THE STATE OF TEXAS,

Appellee

Appeal from Lubbock County, Trial Cause 2019-494,736  
No. 07-19-00082-CR

\* \* \* \* \*

**MOTION FOR LEAVE TO FILE  
STATE PROSECUTING ATTORNEY'S REPLY TO  
TCDLA/LCDLA AMICUS BRIEF**

\* \* \* \* \*

STACEY M. SOULE  
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TO THE HONORABLE COURT OF CRIMINAL APPEALS:

Pursuant to Texas Rule of Appellate Procedure 70.4, the State Prosecuting Attorney respectfully presents her motion for leave to file a brief in response to the Amicus Brief of the Texas Criminal Defense Lawyer's Association and Lubbock Criminal Defense Lawyer's Association. SPA's responsive brief should be permitted for good cause—namely:

- (1) The Amicus brief asserted Amicus-SPA agreement on interpretation of the controlling statute in a way that warranted SPA's clarification;
- (2) The Amicus brief made constitutional challenges to that interpretation that Appellant did not assert in this Court and that SPA has not had a prior opportunity to respond to; and
- (3) SPA tenders its brief along with this motion and notes that the total word count of this and all the SPA's prior briefing in this case (9,038 words) is less than the word count permitted for a party's opening brief in this Court. TEX. R. APP. P. 9.4(i)(2)(B).

**PRAYER FOR RELIEF**

The State of Texas prays that the Court of Criminal Appeals grant it leave to file a reply to the amicus brief.

Respectfully submitted,

STACEY M. SOULE  
State Prosecuting Attorney

/s/ *Emily Johnson-Liu*  
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### **CERTIFICATE OF SERVICE**

The undersigned certifies that on this 12th day of August 2021, the above motion was served electronically on the parties and amici below.

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### Automated Certificate of eService

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